

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10269 OF 2004

Somanath Residents
Association & Ors. .. Petitioners.
Vs.
The Municipal Corporation
of Greater Bombay & Ors. .. Respondents.

Mr.P.S.Dani with Mr.N.N.Amin for the petitioners.
Mr.A.Y.Sakhare with Mr.M.J.Humranwala and
Ms.Rohini Shetty for respondent no.4.

CORAM : D.B.BHOSALE, J.

DATED : 22ND DECEMBER, 2004

P.C.:

. Heard Mr.Dani, learned counsel for the
petitioners and Mr.Sakhare, learned counsel for
respondent no.4.

2. Rule, returnable forthwith.

3. Mr.Sakhare, learned counsel waives service
for respondent no.4. By consent of the parties
taken up for final hearing.

4. The learned counsel for the parties fairly
stated that the reasons need not be recorded for
disposing of the writ petition and they have agreed

for the following order:

(a) The order dated 14.12.2004, impugned in the present writ petition, is set aside. The respondents to make available defendant no.7 for further cross examination on the date as may be fixed by the trial court.

(b) The petitioner-plaintiff shall not be allowed to cross examine the witness on the issues on which he has already cross examined the witness.

. With these observations the writ petition stands disposed of.

(D.B.Bhosale, J.)